

ANDOVER BOARD OF HEALTH

Minutes

October 6, 2008, 6 P.M.

1st Floor Conference Room

36 Bartlet Street

The Board of Health meeting was called to order at 6:05 p.m. Present were Ms. Candace B. Martin, Chairman, Ms. Margaret N. Kruse, Clerk, and Mr. Thomas G. Carbone, Director of Public Health. Dr. Donald H. Miller, Vice-Chairman, was not present due to a scheduling conflict.

I. Approval of Minutes

- **September 15, 2008**

Motion by Ms. Kruse, seconded by Ms. Martin to approve the Minutes of the Meeting of September 15, 2008 with the following correction:

- On page one, in the second paragraph, second to the last sentence, under **Appointments & Hearings, • 6 p.m. – Angelo Petrosino for Pine Forest Park Subdivision – Revised Plans**, change “to be safe” to “to confirm results”.

Unanimous approval.

II. Appointments & Hearings

- N/A

III. Discussion

- **Rescission of Massage Establishment Regulations** –Mr. Carbone informed the Board that in January of 2008 the state took over the licensing of Massage Therapists and now will be taking over the licensing of Massage Establishments. Mr. Carbone recommended that the Board rescind the Massage Therapist and Massage Establishment Regulations.

Motion by Ms. Martin, seconded by Ms. Kruse, to rescind the Massage Therapist and Massage Establishment Regulations. Unanimous Approval.

- **ICMA Performance Measures-** Mr. Carbone explained that the town is participating in a national program through the ICMA that tracks performance measures for the town. The Health Division was involved in the Code Enforcement section of the program. The program measures how long a department takes from receipt of the complaint to the complaint's resolution. The Administrative Assistant gathered all complaints to the Health Division for fiscal 2008, which ran from July 1, 2007 to June 30, 2008, to be entered into an ICMA database. Mr. Carbone then created a

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spreadsheet listing complaints that were unfounded, abated, and brought into voluntary compliance. Then he included the number of days to investigate, from inspection to voluntary compliance, inspection to Administrative Hearing, and Administrative Hearing to resolution. By using this tracking system, Mr. Carbone found many issues can typically be solved within 24 hours, and that residents are willing to solve problems quickly. Looking at the database also helps us to follow-up with issues that may otherwise fall through the cracks. The Board discussed several of the complaints ranging from beaver issues, to hazardous materials, to asbestos issues, to food complaints.

IV. Old Business

- **Adopt 2009 Fee Schedule**— Mr. Carbone explained that he increased all of the Food Service Permit fees this year where last year the increase was in construction fees. A few other construction and miscellaneous fees were also increased. Discussion followed concerning how much should be charged for Permit/License fees and if a higher figure might be more appropriate for Food Establishments considering the amount of time a Health Agent takes to complete an inspection. The permits for the keeping of animals were made more proportional as well. Mr. Carbone also explained that Permit/License fees for Massage Therapists and Establishments have been eliminated because the State has taken over the permitting process for those. Also, the Burial Permit Fee has been eliminated due to a ruling in a court case in Fall River that the fee was not legal; however that decision may be appealed. The Board decided to increase or eliminate the fees for the following items:

◦ Caterer	from \$110 to \$130
Food Service Establishment License (200 seats & Over)	from \$310 to \$330
Food Service Establishment License (50 seats or less)	from \$110 to \$130
Food Service Establishment License (51-199 seats)	from \$210 to \$230
Food Service Facility Plan Review (restaurant)	from \$75 to \$100
Manufacture of Frozen Dessert and Ice Cream Permit	from \$40 to \$50
Mobile Food Service	from \$80 to \$100
Residential Kitchen	from \$80 to \$100
Retail Food Sale License	from \$80 to \$100
Retail Food Service Plan Review	from \$75 to \$100
Retail Food Sale (Supermarket License)	from \$300 to \$330
Recreational Camp Permit	from \$130 to \$150
Garbage & Transportation Removal Permit	from \$50 to \$100
Keeping of Goats Permit	from \$20 to \$30
Motel Operation Permit	from \$100 to \$125
Horse Stabling (Private) Permit	from \$20 to \$30
Septage Haulers Permit	from \$75 to \$100
Sun tanning License	from \$100 to \$125
Retail Sale of Tobacco Products License	from \$100 to \$125
Bathing Beach	from \$50 to \$75
Building Sewer Installation Permit (repair)	from \$60 to \$75

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Drain Layers License	from \$60 to \$75
Disposal Works Installers License	from \$60 to \$75
Swimming Pool Operation (Semi-public) Permit	from \$100 to \$ 25
Swimming Pool Plan Review (semi-public)	from \$75 to \$100
Well Water System Installation Permit	from \$50 to \$75
Well Water System Pump Installation Permit	from \$50 to \$75
Well Test #1 Fee	from \$100 to \$120
Well Test #2 Fee	from \$15 to \$20
Burial Permit Fees	Eliminate
Massage Establishment Permit	Eliminate
Massage Therapist License	Eliminate
All Vaccinations	Change to cost of purchase plus \$15 handling fee

Ms. Kruse moved to increase the fees proposed by Mr. Carbone, with the addition of increasing the Keeping of Goats Permit from \$20 to \$30 and the Horse Stabling (Private) Permit from \$20 to \$30 as listed above, seconded by Ms. Martin. Unanimous Approval.

V. Subdivision Definitive Plans

- N/A

VI. Plan Review

A. D.W.R.P. Variances/Local Upgrade Approvals –

- **263 Beacon Street – Allow SAS to be 4’ above SHWT where 5’ is required-** Mr. Carbone recommended approval and stated that the LUA would allow the homeowners to avoid the installation of a pump.

Ms. Martin moved to approve the Local Upgrade Approval for 263 Beacon Street, seconded by Ms. Kruse. Unanimous approval.

B. B.S.I.P. – Ratify

Ms. Martin moved to ratify, seconded by Ms. Kruse. The Board voted unanimously to ratify the following BSIP's:

87	Ballardvale Road	TM	98	TL	3
11	Blood Road	TM	94	TL	5C
40	Cross Street	TM	207	TL	22
373	High Plain Road	TM	207	TL	10
10	Osgood Street	TM	179	TL	23

Unanimous approval.

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C. S.S.A.P – Recommend Approval:

Ms. Martin moved to approve, seconded by Ms. Kruse. The Board voted unanimously to approve the following SSAP's:

87	Ballardvale Road	TM	98	TL	3
11	Blood Road	TM	94	TL	5C
17	Cassimere Street	TM	54	TL	126
9	Chester Street	TM	137	TL	41
40	Cross Street	TM	207	TL	22
373	High Plain Road	TM	207	TL	10
4	Midland Circle	TM	92	TL	18
10	Osgood Street	TM	179	TL	23
2	West Knoll Road	TM	59	TL	6

Unanimous approval.

D. S.S.U.P.– Recommend Approval:

- N/A

E. B.S.R.P. – Recommend Approval:

Ms. Martin moved to approve, seconded by Ms. Kruse. The Board voted unanimously to approve the following BSRP's:

250	North Main Street	TM	37	TL	55
49	School Street Rear	TM	55	TL	113

Unanimous approval.

VII. Staff Reports

A. Director's Report:

- **Important Dates:**
 - **October 9th @ 7 p.m. – Presentation on Billerica Power Plant – Library** – Mr. Carbone informed the Board that he received an invitation to a presentation concerning the Power Plant and was planning to attend.
 - **October 18th @ 10 a.m. – 2 p.m. – Fire Department Open House**
 - **October 21st @ 7 p.m. FBWAC Meeting**
 - **October 29th – 30th – MHOA Conference**
 - **November 3rd @ 6 p.m. – BOH Meeting**
 - **November 13th @ 3:30 – 6:00 p.m. High School Field House Flu Clinic**

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- **November 18th @ 7 p.m. FBWAC Meeting**
 - **November 24th @ 1:30 – 3:30 p.m. – Senior Center Flu Clinic**
 - **December 4th @ 5 p.m.- 7 p.m. – Town Offices Family Flu Clinic**
 - **December 8th @ 6 p.m. – BOH Meeting**
 - **December 9th @ 6:30 p.m. – 8 p.m. – Wood Hill Middle School Flu Clinic-** Mr. Carbone explained to the Board that this was a new location for a Flu Clinic, and that several residents are pleased that the clinic will be on the outskirts of town. Ms. Joanne Martel, Public Health Nurse, and Mr. Carbone toured the facility's cafeteria and they were pleased with the layout and the flow of the area to accommodate the clinic.
 - **December 16th @ 7 p.m. – FBWAC Meeting**
 - **Update on Restaurant Violations (in Correspondence)** – Mr. Carbone informed the Board that Yama Japanese Restaurant is close to a resolution and only had a couple of small issues to clear up as of Patricia Crafts' inspection on Friday. A follow-up inspection has not been done yet at the Peking Garden. Mr. Carbone shared photos of the conditions at Sabatino's @ Verizon because there were a lot of violations.
 - **Rules and Regulations for the Board of Health from 1955** – Mr. Carbone shared with the Board the Rules and Regulations he found from 1955. The Board was impressed with some of the regulations present then that are still in place today. At that time, restaurant employees were required to carry a chest x-ray showing that they did not have lung disease, and food inspections were done every six months as they are now. They stressed the importance of hand washing and prohibited the use of a common towel.
 - **Update on Board of Selectmen Meeting to Discuss 2 Carriage Hill Road** – Mr. Carbone informed the Board that no date has been set for the Board of Health to meet with the Board of Selectmen to discuss legal action against the resident at 2 Carriage Hill Road. The Town Manager wants to make sure the full Board is present when the Board of Health meets with them.
- B. **Nurses' Report for September, 2008** – The Nurses' Report was for informational purposes only.
- C. **Inspectors' Reports for September, 2008** – The Inspectors' Reports were for informational purposes only.

VIII. Board Member Reports

- **27 Kirkland Drive Update (Correspondence)** – Ms. Martin asked for an update on 27 Kirkland Drive. Mr. Carbone explained that they have a dumpster on the property but never applied for a permit. Also, a gas line in the area was broken, so the gas was shut off to the surrounding homes. When the gas company arrived with a policeman to light the pilots, they could not get into the basement because

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of the debris. If their heat is not turned on by November 1st, the Board would need to schedule a Condemnation Hearing.

- **Salt Shed Update (Correspondence)** - Mr. Carbone updated the Board that he had received no response at this time. If Mr. Carbone does not get a response in a week, he will call Jan at Senator Tucker's office.
- **Society of Friars Septic System Installation (Correspondence)** – Mr. Carbone explained that the work was progressing, but stopped suddenly. Mr. Carbone called the Installer and Mr. Ed Doherty, developer, and there seems to be an issue with supplies and funding. As a side note, the sub-division of Merrimack Estates has been approved by the Planning Board, so hopefully there will movement on the Friary.
- **Dylan's Update (Correspondence)** – Mr. Carbone stated that he did not bring the owner in for an Administrative Hearing, but instead held an unofficial one at Dylan's and then followed up with a letter. Mr. Carbone wants restaurants to understand that the Board of Health is not there to hurt businesses, but to make sure the public is safe. The Board supported Mr. Carbone charging a reinspection fee for multiple inspections due to repeat violations to cover the additional staff time needed to go back to a restaurant repeatedly.

IX. Adjournment

Motion by Ms. Martin, seconded by Ms. Kruse to adjourn at 7:08 p.m. Unanimous approval.